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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

CARLOS VICTORINO, *et al.*

Plaintiffs,

v.

FCA US LLC,

Defendant.

Case No. 3:16-cv-01617-GPC-JLB

**DECLARATION OF SCOTT H.
MORGAN IN SUPPORT OF FCA US
LLC'S MOTION FOR SANCTIONS
FOR SPOILIATION OF EVIDENCE**

Complaint Filed: June 24, 2016

Trial Date: None Set
Hearing Date: October 13, 2017
Time: 1:30 p.m.
Courtroom: 2D
Judge: Hon. Gonzalo P. Curiel

1 I, SCOTT H. MORGAN, hereby declare:

2 1. I am an attorney at the law firm of Thompson Coburn LLP, and I am
3 one of the attorneys retained to represent FCA US LLC in this case. I am more
4 than twenty-one years of age and competent to make this affidavit. I have personal
5 knowledge of the facts set forth herein.

6 2. Attached hereto as **Exhibit A** are true and accurate copies of excerpts
7 from the transcript of the deposition of Plaintiff Adam Tavitian, taken on April 27,
8 2017.

9 3. Attached hereto as **Exhibit B** is a true and accurate copy of a July 11,
10 2016 email from Cody Padgett, counsel for Plaintiffs, to FCA US's counsel.

11 4. Attached hereto as **Exhibit C** is a true and accurate copy of an August
12 16, 2016 email chain between FCA US's counsel and Plaintiffs' counsel.

13 5. Attached hereto as **Exhibit D** are true and accurate copies of excerpts
14 from the records that Glendale Dodge Chrysler Jeep produced pursuant to a Rule
15 45 document subpoena FCA US served on it.

16 6. Attached hereto as **Exhibit E** are true and accurate copies of excerpts
17 from the transcript of the deposition of third-party witness Emad Salama of J & E
18 Auto Services, Inc., taken on June 20, 2017.

19 7. Attached hereto as **Exhibit F** are true and accurate copies of invoices
20 from J & E Auto Services, Inc. relating to work performed on Plaintiff Tavitian's
21 vehicle.

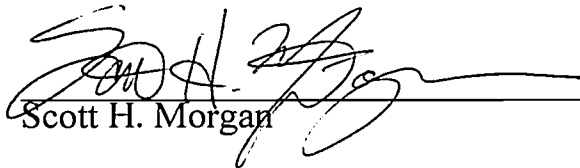
22 8. Attached hereto as **Exhibit G** are true and accurate copies of excerpts
23 from the transcript of the deposition of Plaintiff Carlos Victorino, taken on April
24 28, 2017.

25 9. I attended FCA US's limited inspection of Plaintiff Tavitian's vehicle
26 on August 6, 2016. Because the single repair underlying Tavitian's claims related
27 to the clutch master cylinder, and because of what was pleaded in the Complaint,
28 the inspection focused on the clutch master cylinder. The inspection did not focus

1 on the clutch slave cylinder. Once it was determined that the clutch master
2 cylinder was not the issue, FCA US concluded its inspection.

3 10. FCA US was not informed in advance of Plaintiff Tavitian's intent to
4 have repairs performed on his vehicle at J & E Auto Services, Inc., and was not
5 provided with any information about any planned removal of additional
6 components from Tavitian's vehicle. FCA US did not learn about J & E's
7 involvement in attempting to repair Plaintiff Tavitian's vehicle until February
8 2017, through the normal course of discovery.

9
10 I declare under penalty of perjury that the foregoing is true and correct, and
11 that this declaration was executed on this 22nd day of August, 2017 in St. Louis,
12 Missouri.

13
14 
15 Scott H. Morgan